

SEPARATE STATEMENT OF COMMISSIONER HAROLD FURCHTGOTT-ROTH
Approving in Part, Dissenting in Part

Re: Applications of Intelsat LLC For Authority to Operate and to Further Construct, Launch and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit, File Nos. SAT-A/O-20000119-00002 to SAT-A/O-20000119-00018; et al. (rel. August 8, 2000).

I generally support today's decision that paves the way for Intelsat's privatization and potential licensing in the United States. Despite my support for these public policy objectives, I write separately to express my continued concern about the Commission's practice of regulating licensees (or in this case a potential licensee) on a company-specific basis.¹ Today's Order grants no less than 10 types of waivers ultimately applying to 22 Intelsat LLC satellites. Although I am not convinced that all of these waivers are necessary, I am most concerned about the ad hoc public policy process that produced them.

In the past, license transfer proceedings have all too often involved the Commission imposing conditions that have handicapped one company relative to others in an industry. In these instances, license transfers have led to industrial policy--different rules applying to different companies within the same industry--to the detriment of one company. In this proceeding, the Commission chooses to waive certain rules for one company that apply to other companies. Again, we have industrial policy--different rules applying to different companies within the same industry--to the benefit of one company. Industrial policy that favors one company is no more to be applauded than industrial policy that disfavors one company.

If our technical rules are too stringent, we should change them. Indeed, I have long supported a more flexible approach to our technical rules and interference concerns generally.² However, a company-specific proceeding is not the ideal forum for such increased flexibility. Once again, members of the public looking to discover the technical rules applicable to one of our licensees will find no relevant information in the CFR. Once again, we will be faced with the prospect of a series of "me too" waivers. The better course is to conduct industry-wide rulemakings to modify our rules to more accurately reflect the state of the industry and technology. I look forward to such a proceeding here to bring our rules into conformity with our more flexible Intelsat regulatory approach.

¹ See Separate Statement of Commissioner Furchtgott-Roth, concurring in part, dissenting in part, *in Order, In re Matter of MCI Worldcom Communications, Inc.*, 2000 WL 725473 (File No. EB-00-TC-055) (rel. June 6, 2000); See also Separate Statement of Commissioner Furchtgott-Roth, *In re Applications of Ameritech Corp., Transferor, and SBC Communications Inc.*, 14 FCC Rcd. 14,712 (rel. October 8, 1999).

² See Separate Statement of Commissioner Furchtgott-Roth, approving in part and concurring in part, *In re Service Rules For 746-764, 776-794 MHz Bands*, 15 FCC Rcd. 5299 (rel. Mar 09, 2000).